

- I. Claims 1-49, drawn to a polishing slurry, classified in class 51, subclass 295; and
- II. Claim 50, drawn to a method of polishing with two slurries, classified in class 451, subclass 41,

applicant hereby elects, with traverse, the Group I claims 1-49.

The traversal of the restriction requirement is based on the fact that 35 U.S.C. § 121 permits restriction only if two or more inventions are claimed in one application, which are both independent and distinct.

The polishing slurry of claim 1, comprising an organic polymeric abrasive, is used in the two-step polishing process of claim 50. There is accordingly no basis in fact for the claims of Group I and II to be characterized as independent of one another.

Moreover, in supporting the instant restriction requirement Examiner Morgan discusses distinctiveness and appears to presume that the Group I polishing slurry can be used in a process other than the two-step CMP polishing process of Group II.

Applicant contends however, that in actuality the Group II, two-step polishing process requires the use of the Group I polishing slurry comprising an organic polymeric abrasive. And as such, the present Group II process claims are in fact a combination to which the present Group I polishing slurry claims are a sub-combination.

In combination/sub-combination restrictions, two-way distinctness is required; e.g., either the process can be used to make a materially different product, or, the product can be made by a materially different process. In the presented claims, the combination, mainly the two-step polishing process, requires the particulars of the sub-combination, mainly the polishing slurry comprising an organic polymeric abrasive. Accordingly, under combination/sub-combination the present restriction is improper.

It therefore is requested that the Examiner reconsider the propriety of the restriction requirement, and withdraw same in favor of the continued consolidation and unitary prosecution of claims 1-50 in the present application.

Petition Under 37 CFR 1.136 for Three Month Extension of Time

Petition hereby is made under the provisions of 37 CFR 1.136 for a one month extension of the term for response to the June 18, 2003 Office Action, extending the term for response to August 18, 2003.

Fees Due and Payable:

In connection with applicant's Petition Under 37 CFR 1.136 for One Month Extension of Time, a fee of \$110 as specified in 37 CFR 1.17(a)(1), is hereby authorized to be deducted from Deposit Account No. 50-0860 in the name of applicant, Advanced Technology Materials, Inc., 7 Commerce Drive, Danbury, CT 06810.

Applicant does not believe that any additional fee is due in connection with the foregoing. However, should the Office determine that a fee is due, applicant hereby authorizes that such fee be deducted from Deposit Account No. 50-0860.

Conclusion

Applicant has made an earnest attempt to fully respond to the July 18, 2003 Office Action in the present application and respectfully requests continued prosecution on its merits.

Should any questions remain in connection with the entry of this amendment, Examiner Morgan is invited to contact the undersigned agent at 203 739-1435 to resolve same.

Respectfully submitted,

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